

## **EXHIBIT 1**



State of Utah

Department of  
Environmental Quality

Dianne R. Nielson, Ph.D.  
*Executive Director*

DIVISION OF AIR QUALITY  
Richard W. Sprott  
*Director*

OLENE S. WALKER  
*Governor*

GAYLE F. McKEACHNIE  
*Lieutenant Governor*

**FILE COPY**

DAQE-AN2529001-04

October 12, 2004

Clark M. Mower  
NEVCO Energy Company, LLC  
620 South Main Street  
Bountiful, Utah 84010

Dear Mr. Mower:

Re: Approval Order: Sevier Power Company's 270 MW Coal-Fired Power Plant, Sevier County –  
CDS A; ATT: PSD: NSPS, MACT, HAPs, TITLE IV MAJOR, TITLE V MAJOR  
Project Code: N2529-001

The attached document is the Approval Order (AO) for the above-referenced project.

Future correspondence on this Approval Order should include the engineer's name as well as the DAQE number as shown on the upper right-hand corner of this letter. Please direct any technical questions you may have on this project to Mr. John D. Jenks. He may be reached at (801) 536-4459.

Sincerely,

Richard W. Sprott, Executive Secretary  
Utah Air Quality Board

RWS:JJ:re

cc: Central Utah Public Health Department  
Mike Owens, EPA Region VIII

SPC 2531

**STATE OF UTAH**

**Department of Environmental Quality**

**Division of Air Quality**

**APPROVAL ORDER: SEVIER POWER COMPANY'S  
270 MW COAL-FIRED POWER PLANT**

**Prepared By: John D. Jenks, Engineer  
(801) 536-4459  
Email: [jjenks@utah.gov](mailto:jjenks@utah.gov)**

**APPROVAL ORDER NUMBER**

**DAQE-AN2529001-04**

**Date: October 12, 2004**

**Sevier Power Company**

**Source Contact  
Clark M. Mower  
(801) 298-7333**

**Richard W. Sprott  
Executive Secretary  
Utah Air Quality Board**

Fluidized bed heat exchangers  
Natural gas startup burners  
Air-cooled condenser\*\*  
Stack (at least 460 feet in height as measured from base of stack)

- F. Control Equipment
  - Induced draft baghouses and cartridge-type particulate filters at all material transfer points
  - Silo baghouses
  - Ash recycle cyclones\*\*
  - Dry-lime scrubber
  - Selective non-catalytic reduction (using)
  - Ammonia injection system with ammonia storage tank
  - Primary stack baghouse with bag leak detectors
- G. Steam System\*\*
  - Water treatment\*\*
  - Turbine generator\*\*
  - Air heater\*\*
- H. Associated Equipment
  - Diesel-fired emergency fire pump
  - Diesel-fired emergency generator
  - Diesel storage tanks
  - Paved haul roads

\* Equivalency shall be determined by the Executive Secretary.

\*\* This equipment is listed for informational purposes only. There are no emissions from this equipment.

- 8. A manometer or magnehelic pressure gauge shall be installed to measure the differential pressure across the main stack fabric filter (baghouse). Static pressure differential across the fabric filter shall be between 0.5 to 12 inches of water column. The pressure gauge shall be located such that an inspector/operator can safely read the indicator at any time. The reading shall be accurate to within plus or minus 1.0 inches water column. The instrument shall be calibrated according to the manufactures instructions at least once every 12 months. Continuous or intermittent recording of the reading is not required.
- 9. SPC shall notify the Executive Secretary in writing when the installation of the equipment listed in Condition #7 has been completed and is operational, as an initial compliance inspection is required. To insure proper credit when notifying the Executive Secretary, send your correspondence to the Executive Secretary, attn: Compliance Section.

If construction and/or installation has not been completed within eighteen months from the date of this AO, the Executive Secretary shall be notified in writing on the status of the construction and/or installation. At that time, the Executive Secretary shall require documentation of the continuous construction and/or installation of the operation and may revoke the AO in accordance with R307-401-11.

### Monitoring - Continuous Emissions Monitoring

23. SPC shall install, calibrate, maintain, and operate a continuous emissions monitoring system on the main boiler stack. SPC shall record the output of the system, for measuring the SO<sub>2</sub> emissions, the NO<sub>x</sub> emissions and the CO emissions. The monitoring system shall comply with all applicable sections of R307-170; 40 CFR 60.13; and 40 CFR 60, Appendix B.

All continuous emissions monitoring devices as required in federal regulations and state rules shall be installed and operational prior to placing the affected source in operation.

Except for system breakdown, repairs, calibration checks, and zero and span adjustments required under paragraph (d) 40 CFR 60.13, the owner/operator of an affected source shall continuously operate all required continuous monitoring systems and shall meet minimum frequency of operation requirements as outlined in 40 CFR 60.13 and Section R307-170.

### Records & Miscellaneous

24. At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any equipment approved under this Approval Order including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Executive Secretary which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. All maintenance performed on equipment authorized by this AO shall be recorded.
25. The owner/operator shall comply with R307-150 Series. Inventories, Testing and Monitoring.
26. The owner/operator shall comply with R307-107. General Requirements: Unavoidable Breakdowns.

The Executive Secretary shall be notified in writing if the company is sold or changes its name.

Under R307-150-1, the Executive Secretary may require a source to submit an emission inventory for any full or partial year on reasonable notice.

This AO in no way releases the owner or operator from any liability for compliance with all other applicable federal, state, and local regulations including R307.

A copy of the rules, regulations and/or attachments addressed in this AO may be obtained by contacting the Division of Air Quality. The Utah Administrative Code R307 rules used by DAQ, the Notice of Intent (NOI) guide, and other air quality documents and forms may also be obtained on the Internet at the following web site:

<http://www.airquality.utah.gov/>

## **EXHIBIT 2**

PAUL M. McCONKIE #5881  
CHRISTIAN C. STEPHENS #9068  
Assistant Attorneys General  
MARK SHURTLEFF #4666  
Utah Attorney General  
160 East 300 South, 5th Floor  
P.O. Box 140873  
Salt Lake City, Utah 84114-0873  
(801) 366-0290  
Counsel for the Executive Secretary,  
Air Quality Board of Utah

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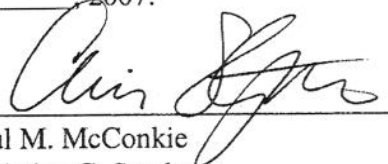
BEFORE THE UTAH AIR QUALITY BOARD

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In Re: Approval Order - the Sevier Power Company 270 MW Coal-Fired Power Plant, Sevier County Project Code: N2529-001 DAQE-AN2529001-04	EXECUTIVE SECRETARY'S IDENTIFICATION OF THE ADMINISTRATIVE RECORD
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The Executive Secretary has identified the documents in the attached index as the Executive Secretary's Administrative Record in the above-captioned matter as of October 12, 2004, the date of the issuance of the Approval Order. As of today's date, the documents are available to all parties for inspection and copying at the Department of Environmental Quality, Division of Air Quality, 150 North 1950 West, Bldg #1, Salt Lake City, Utah.

Dated this 6<sup>TH</sup> day of FEBRUARY, 2007.

  
Paul M. McConkie  
Christian C. Stephens  
Assistant Attorneys General, for  
the Executive Secretary

**In the Matter of:**

**AGENCY ADMINISTRATIVE RECORD**

Abbreviations used:

- DAQ is the Division of Air Quality

<b>Record Description</b>	<b>Date</b>	<b>Added to Record By</b>	<b>Record page (SPC)</b>
Cover letters to U.S. Forest Service and Bureau of Land Management regarding submittal of Notice of Intent	04/22/03 05/02/03	DAQ	0001-0003
Letter to John Jenks (DAQ) from Meteorological Solutions Inc. in response to 11/05/03 telephone conversation requesting additional information	12/05/03	DAQ	0004-0022
Letter to Rusty Ruby (DAQ) from Meteorological Solutions Inc. enclosing revised Prevention of Significant Deterioration Permit Application for Sevier Power Company Proposed 270 MW Coal-Fired Power Plant, Volumes 1 and 2	09/10/03	DAQ	0023-0027
Letter to Tom Orth (DAQ) from Meteorological Solutions Inc. in response to (DAQ) letter DAQP-059-03 dated May 29, 2003	07/02/03	DAQ	0028-0051
Notice of Intent Volume 1 Prevention of Significant Deterioration Permit Application for Sevier Power Company Proposed 270 MW Coal-Fired Power Plant submitted by Meteorological Solutions Inc. on behalf of Sevier Power Company	09/10/03	DAQ	0052-0368
Notice of Intent Volume 2 Appendices Prevention of Significant Deterioration Permit Application for Sevier Power Company Proposed 270 MW Coal-Fired Power Plant submitted by Meteorological Solutions Inc. on behalf of Sevier Power Company	09/10/03	DAQ	0369-0738
E-Mail Correspondence	04/22/03 through 10/01/04	DAQ	0739-0976



Record Description	Date	Added to Record By	Record page (SPC)
Letter to Rick Sprott, Director, (DAQ) from John Bunyak, Chief, Policy, Planning and Permit Review Branch, U.S. Department of the Interior, National Park Service enclosing public comments	04/12/04	DAQ	0977-0989
E-mails between John Jenks (DAQ) and Don Shepherd, National Park Service Air Resources Division re NEVCO-Sevier	11/04/03 through 11/17/03	DAQ	0990-0991
Memorandum from Don Shepherd to John Notar re NEVCO Energy-Sevier Power-Engineering Analysis	11/04/03	DAQ	0992-0995
Memorandum to Permitting and Planning Branches from Richard W. Sprott re Utah Division of Air Quality (UDAQ) Class I Significant Impact Levels	12/16/03	DAQ	0995a-0995b
(DAQ) New Source Plan Review (Engineering)	12/23/03	DAQ	0996-1070
Modeling Memorandum to file from Tom Orth, Air Quality Modeler, (DAQ) re Particulate Matter Less Than 10 Microns (PM <sub>10</sub> ) Background Concentrations for the Nevco Energy, Sevier Power Plant (Nevco), Prevention of Significant Deterioration (PSD) Air Quality Impact Analysis (AQIA), in Sigurd, Utah	03/26/03	DAQ	1071-1072
Memorandum from Cheryl Heying, Planning Branch Manager, (DAQ) to John Jenks, NSR Engineer re Modeling Analysis Review for the NEVCO Energy - Sevier Power Plant, Sigard, Utah	12/24/03	DAQ	1073-1085
Letter to Clark M. Mower, NEVCO Energy Company, LLC from Rusty Ruby, Manager, New Source Review Section (DAQ) re Intent to Approve: Sevier Power Company's 270 MW Coal-Fired Power Plant, Sevier County - CDS A; ATT: PSD: NSPS, MACT, HAP's, TITLE IV MAJOR, TITLE V MAJOR Project Code: N2529-001	02/27/04	DAQ	1086-1098
Memorandum to Permitting and Planning Branches from Richard W. Sprott, Director, re Significant Impact Levels for the National Ambient Air Quality Standards and Prevention of Significant Deterioration Class II Analyses	02/27/04	DAQ	1098a-1098b

Record Description	Date	Added to Record By	Record page (SPC)
Various Public Notices	10/15/03 through 06/02/04	DAQ	1099-1114
Transcript of Public Hearing	03/18/04	DAQ	1115-1125
Letter to Rick Sprott, Director (DAQ) from U.S. Environmental Protection Agency re Comments on Intent-to-Approve for NEVCO Energy's Sevier Power Company Project	04/06/04	DAQ	1126-1130
Public Comments	various	DAQ	1131-2493
Memorandum to file from John D. Jenks, Environmental Engineer, (DAQ) through Rusty Ruby, (DAQ) re Response to Comments received on Sevier Power Company (N2529-001)	09/27/04	DAQ	2494-2530
Letter to Clark M. Mower, NEVCO Energy Company, LLC from Richard W. Sprott, Executive Secretary, (DAQ) re <b>Approval Order</b> : Sevier Power Company's 270 MW Coal-Fired Power Plant, Sevier County - CDS A; ATT: PSD: NSPS, MACT, HAP's, TITLE IV MAJOR, TITLE V MAJOR Project Code: N2529-001	10/12/04	DAQ	2531-2543

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of February, 2007, I caused a copy of the foregoing Executive Secretary's Identification of the Administrative Record (SPC) to be emailed or mailed by United States Mail, postage prepaid, to the following:

Joro Walker  
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Western Resource Advocates  
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[dbecker@westernresources.org](mailto:dbecker@westernresources.org)

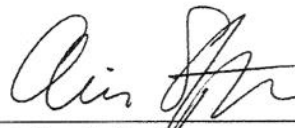
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Christian C. Stephens  
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